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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 5, 2003

PETITION OF

ADELPHIA COMMUNICATIONS CORPORATION

CASE NO. PUE-2002-00488

For application of § 56-466.1 of
the Code of Virginia to pole
attachment practices of Northern
Virginia Electric Cooperative

ORDER OF DISMISSAL

On September 11, 2002, Adelphia Communications Corporation ("Adelphia") filed with the State Corporation Commission ("Commission") the above-captioned Petition against Northern Virginia Electric Cooperative ("NOVEC"). Adelphia petitioned the Commission's intervention in failed pole attachment rate negotiations with NOVEC and requested the Commission to invoke its authority pursuant to § 56-6 of the Code of Virginia ("Code").¹

On November 7, 2002, the Commission issued an Order Establishing Proceeding in this case and assigned the matter to

¹ § 56-6 of the Code provides in part:

Any person or corporation aggrieved by anything done or omitted in violation of any of the provisions of this or any other chapter under this title, by any public service corporation chartered or doing business in this Commonwealth, shall have the right to make complaint of the grievance and seek relief by petition against such public service corporation before the State Corporation Commission, sitting as a court of record.

a Hearing Examiner, consistent with 5 VAC 5-20-120 and the directives of that order.

Following unopposed motions for extension of time granted by the Hearing Examiner to complete settlement negotiations, Adelphia filed a Motion for Dismissal of Action by Nonsuit ("Motion") on January 24, 2003. On January 28, 2003, the Report of Alexander J. Skirpan, Jr., Hearing Examiner, was filed ("Report"). The Hearing Examiner's Report finds that Adelphia's Motion should be granted, based upon the pleadings and upon § 8.01-380 A and B of the Code of Virginia, and recommends that the Commission dismiss this case upon adoption of this finding.

No party has filed any comments to the Hearing Examiner's Report, pursuant to 5 VAC 5-20-120 C. The Commission now finds that the Hearing Examiner's Report should be adopted and this case dismissed upon Adelphia's Motion.

Accordingly, IT IS ORDERED THAT:

(1) The Hearing Examiner's Report is hereby adopted, and Adelphia's Motion is hereby granted.

(2) This case is hereby dismissed from the Commission's docket of active cases and the papers herein are passed to the file for ended causes.